

## REMARKS

### I. Status of the Claims.

Claims 1-14, 20-31, and 53 are pending in this application and have been rejected.

There are no amendments to the claims in this paper, so no new matter has been introduced.

### II. Rejections Under 35 U.S.C. § 103(a).

The Examiner has rejected claims in this application under 35 U.S.C. § 103(a) over *Motoya* in view of the following combinations of *Omori*, *Chang*, *Cheremisinoff*, and/or *Kazuhiko*:

- A. The Examiner has rejected claims 1-3, 5-6, 8-14, and 53 under 35 U.S.C. § 103(a) over *Motoya* in view of *Omori*. *Office Action* at 2;
- B. The Examiner has rejected claim 4 under 35 U.S.C. § 103(a) over *Motoya* in view of *Omori* and *Chang*. *Id.* at 3;
- c. The Examiner has rejected claim 7 under 35 U.S.C. § 103(a) over *Motoya* in view of *Omori* and *Cheremisinoff*. *Id.* at 3;
- C. The Examiner has rejected claims 21-31 under 35 U.S.C. § 103(a) over *Motoya* in view of *Omori* and *Kazuhiko*. *Id.* at 7-8;

These rejections should be withdrawn because the Examiner has not identified any combination of references that provides cavities in the interior of a fibril forming a communicating pore, which open at the surface of the fibril. *See Claim 1*. The Examiner is mistaken regarding the scope and contents of *Omori*. Namely, *Omori* does not disclose communicating pore forming fibrils that also have cavities.

"The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness." M.P.E.P. § 2142. Determining obviousness under 35

U.S.C. § 103 requires that the Examiner perform four factual inquiries. *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398 (2007) (citing *Graham v. John Deere Company of Kansas City*, 383 U.S. 1 (1966)). These inquiries establish the facts upon which obviousness should be judged. These factors are as follows:

1. Scope and content of the prior art;
2. Differences between the prior art and the claim at issue;
3. Level of skill in the art; and
4. Objective evidence.

*Graham* at 17.

In order to establish a prima facie case of obviousness, the Examiner must provide clear reasons as to why the claim “as a whole” would have been obvious at the time that the invention was made. 35 U.S.C. § 103(a). “[R]ejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR* (quoting *In re Kahn*, 441, F.3d 977, 988 (Fed. Cir. 2006)).

Notably, every claim rejection relies on finding that the combination of *Motoya* and *Omori* provides an adsorbent article (of *Motoya*) modified to include *Omori*’s “porous bead comprising an organic polymer resin having cavities in the interior of a fibril . . . .” *Office Action* at 2, 3, and 4. Accordingly, each rejection relies on finding that the combination of *Motoya* and *Omori* would provide each and every element of claim 1 of this application. But this combination fails to provide fibrils containing cavities because *Omori* does *not* disclose an organic polymer resin having *cavities in the interior of a fibril*. The Examiner’s assertion to the contrary is mistaken.

Applicants have attached a declaration by an inventor common to the present application and the *Omori* patent showing pictures of the claimed porous article

(according to Figure 1 and Example 2 of the present application) and the *Omori* disclosure (according to Figure 13 and Example 3 of the *Omori* disclosure). The declaration juxtaposes Figure 1 of this application with Figure 13 of *Omori*. The claimed porous article is shown along the left column. *Omori*'s Figure 13 is shown along the right column. The second row in each column shows a magnified version of the image in the first row. These photos show that *Omori*'s fibrils are entangled with each other, thereby preventing any pores from existing along the fibril's surface. By contrast, the photos in the left column clearly show the presence of pores in the interior of the fibrils, a feature that is absent in *Omori*. In view of the above, Applicants submit that *Omori* does not provide pores in the interior of the fibrils or on the surface of fibrils. And, the Examiner has not pointed out any other references alleged to disclose this feature. Accordingly, no combination of references cited against the claims of this Application could result in a porous article having pores on the surface of fibrils. This is required by each of claims 1-14, 20-31, and 53. Applicants respectfully request that the Examiner withdraw the rejection of claims 1-14, 20-31, and 53.

## **V. Conclusion**

Applicants respectfully request that the Examiner withdraw the rejection of each of claims 1-14, 20-31, and 53 under 35 U.S.C. 103 because the art relied upon by the Examiner fails to teach or suggest each and every element recited in the pending claims. The deficiencies in the prior art are illustrated by the comparative photos provided by Applicants in the declaration filed concurrently with this paper.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: September 21, 2010

By: Charles E. Van Horn  
Charles E. Van Horn  
Reg. No. 40,266

**Attachment:** Declaration Under 37 C.F.R. 1.132 of Akihiro OMORI